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OFFICE OF PETITIONS

In re Application of :  
Oliver Charles Schuepbach :  
Application No. 10/631,095 :  
Filed: July 31, 2003 : Decision on Petition  
Attorney Docket Number: :  
TI-33782 :  
:

This is a decision in response the Petition for Review of Refusal to Grant Filing Date-37 CFR 1.181(f), filed November 24, 2003 (Certificate of Mailing dated November 18, 2003).

The petition is granted.

The application was filed on July 31, 2003. However, on October 28, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, noting that a filing date had not been accorded the application because the application had been deposited without drawings.

In response, Petitioner files the instant petition wherein Petitioner avers that formal drawings were originally filed with the application on July 31, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, formal drawings on July 31, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of formal drawings on July 31, 2003. Petitioner has also re-submitted the formal drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an

Official date stamp and place the postcard in the outgoing mail.  
"A postcard receipt which itemizes and properly identifies the  
papers which are being filed serves as *prima facie* evidence of  
receipt in the PTO of all items listed thereon by the PTO."  
MPEP § 503.

The copy of the 5 sheets of formal drawings, supplied on  
November 24, 2003, will be used for examination purposes.

No petition fee is required and none has been charged.

The application will be returned to the Office of Initial Patent  
Examination for further processing as a nonprovisional  
application with a filing date of July 31, 2003, and an  
indication that 5 sheets of drawings were present on filing,  
using the 5 sheets of drawings filed on November 24, 2003.

Telephone inquiries concerning this matter should be directed to  
the undersigned at (703) 305-0014.

*Derek Woods*  
Derek L. Woods  
Petitions Attorney  
Office of Petitions